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Of Attorneys for Defendant
JACOB MICHAEL GAINES

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	Case No. 3:20-CR-223-IM
)	
v.)	MOTION FOR PRETRIAL
)	RELEASE
JACOB MICHAEL GAINES,)	
)	
Defendant)	ORAL ARGUMENT
)	REQUESTED
)	

COMES NOW defendant Jacob Michael Gaines, by and through counsel Rosalind Manson Lee, LLC and Rosalind M. Lee, asking this court for an order releasing Mr. Gaines to residential substance abuse treatment. The government opposes this request.

This motion is made on the grounds that when Mr. Gaines was ordered detained in this case, the court said that he would reconsider Mr. Gaines's detention if several conditions were met. Mr. Gaines has met those conditions.

This motion is based on this pleading and the exhibits filed herewith, the declaration of counsel filed in support of this motion, and the file and record in this case.

Procedural History

On July 12, 2020, Mr. Gaines was charged by complaint with violating 18 U.S.C. section 111(a) and (b). On July 13, 2020, he was arraigned and released on conditions by Magistrate Judge Stacie Beckerman. [ECF 4]. The government filed a Motion to Revoke the Release Order the following day. [ECF 8]. The defense filed a response. [ECF 11].

On July 16, 2020, the court held a hearing on the government's motion, and Judge Michael Mosman ordered Mr. Gaines detained. [ECF 13] During the hearing, Judge Mosman said "I'll say that it's not my expectation that he should be detained all the way through pending trial..." *See Exhibit A, Reporter's Transcript of Proceedings, July 16, 2020, U.S. v. Jacob Michael Gaines, Case 3:20-cr-00223-IM at 15.* Before releasing Mr. Gaines, Judge Mosman wanted Mr. Gaines's wife to get rid of the lawful firearms in their possession; park the bus in which they were living in a stable place; and have Mr. Gaines submit to a psychological assessment that included an evaluation for substance abuse disorder. *Id.* Mr. Gaines has satisfied those requirements.

Changed Circumstances Support Releasing Mr. Gaines to Residential Treatment

In August and September of 2020, Mr. Gaines was evaluated by Dr. Michelle Guyton, a certified forensic evaluator. *See Declaration of Counsel at 3.* A redacted version of Dr. Guyton's report was provided to the government and to pretrial services. *Id.* Dr. Guyton diagnosed Mr. Gaines with major depressive disorder, moderate, ADHD, alcohol use disorder, severe, in partial remission in a controlled environment, cannabis use disorder, severe, in partial remission in a controlled environment, and hallucinogen use disorder, severe, in partial remission due to controlled environment. *Id.* Dr. Guyton went on to recommend a psychiatric evaluation and medication management and residential substance abuse treatment. *Id.*

Mr. Gaines was provided psychiatric services when he was incarcerated at the Inverness Jail. *Id.* He was prescribed Vistaril and Zoloft. *Id.* Mr. Gaines was working with medical staff

on the dosing of those medications when he was transferred to Columbia County Jail on or about October 27, 2020. Counsel is trying to obtain records from Columbia County Jail to determine what medications they are providing Mr. Gaines. *Id.*

While Mr. Gaines was incarcerated at Inverness Jail, he participated in the treatment programming available through Volunteers of America. *Id.* at 3. Kenneth Vaughn runs the Treatment Readiness Program at the Inverness Jail on behalf of Volunteers of America. *Id.* at 2. Mr. Vaughan informed counsel that because of COVID, all in-person programming at the jail was cancelled. *Id.* However, VOA offers some treatment readiness programming, and Mr. Gaines participated in 23.25 hours of that treatment. A copy of his certificate of completion is filed with this pleading as Exhibit B. Mr. Vaughan also evaluated Mr. Gaines for substance abuse disorders, and also recommends residential treatment. *Id.* at 3.

Further, counsel has confirmed that Dianna Gaines, Mr. Gaines's wife, has transferred the firearms to a licensed firearms dealer in Texas. *Id.* Copies of receipts showing the transfer of three firearms and ammunition are filed with this pleading as Exhibit C.

Finally, counsel is informed by Mrs. Gaines, that she no longer has possession of the bus in which they used to live. *Id.* Mrs. Gaines was in an accident that totaled the bus. She currently lives in a rented room, and is looking to rent an apartment in Tigard, Oregon, to be close to her job. *Id.*

Mr. Gaines has more than adequately addressed the concerns voiced by Judge Mosman during the detention hearing. Mr. Gaines has been evaluated and has been found suitable for residential drug treatment. Mr. Gaines would very much like to participate in residential drug treatment and participated in over 23 hours of treatment readiness programming at Inverness Jail. His wife has transferred their guns and ammunition to a dealer in Texas, and no longer lives in the bus. Finally, counsel is informed and believes that pretrial services contracts with VOA in Portland and would be able to supervise Mr. Gaines while at that facility.

For the above-stated reasons, the defense respectfully requests that Mr. Gaines be released to residential treatment.

DATED: November 2, 2020

Respectfully Submitted,

ROSALIND MANSON LEE, LLC

By: /s/ Rosalind M. Lee

Rosalind M. Lee
Of Attorneys for Defendant Jacob Gaines